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VIA ECF

The Honorable Zahid N. Quraishi, U.S.D.J.
U.S. District Court, District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: **Doe v. Princeton University, et al., No. 3:22-cv-05887-ZNQ-DEA**
Response to Notice of Supplemental Authority

Dear Judge Quraishi:

We represent Princeton in this matter and write in response to John Doe’s April 19, 2023 Notice of Supplemental Authority regarding *John Doe v. The College of New Jersey*, et al., No. 22-3283-MAS-LHG, 2023 WL 2812362 (D.N.J. April 6, 2023) (“*TCNJ*”) (ECF No. 33). There are critical differences between the allegations here and those in *TCNJ*.

First, unlike in *TCNJ*, Plaintiff’s own allegations undermine his conclusory assertions that the disciplinary process was procedurally flawed. In *TCNJ*, the plaintiff alleged that the college did not notify him of the complaint against him until three years later, 2023 WL 2812362 at *6; Plaintiff here admits that he actively participated in the Panel’s investigation—including by sitting for multiple interviews and by submitting his own documentary evidence—in the months between Roe’s October 27, 2019 complaint and the Panel’s first merits decision on March 20, 2020. Compl. ¶¶ 86, 93-94, 101, 158-165, 200-204, 209-212, 214; *see also* Panel Mem. (Ex. 1 to Mot. to Dismiss) at 2-3. While the *TCNJ* plaintiff alleged that the school “failed to ask [complainant] any questions that would challenge her credibility,” 2023 WL 2812362 at *6, Plaintiff here admits that Princeton “questioned” Roe “regarding her evidence and motives.” Compl. ¶¶ 103, 194, 198, 218, 252, 275. Unlike in *TCNJ*, where the investigation report “failed to note any inconsistent statements,” *id.*, Princeton’s Panel addressed inconsistencies by Roe *and* Doe. Suppl. Mem. (Ex. 3 to Mot. to Dismiss) at 6-9. Further, whereas the plaintiff in *TCNJ* initially “declined to meet with investigators,” 2023 WL 2812362 at *2, but alleged that, after changing advisors, the Panel “refused to afford [him] an opportunity to be heard,” this Plaintiff’s allegations show that he took every opportunity to present evidence, which the Panel carefully considered. *See* Mot. to Dismiss at 18-19 (listing admissions regarding the collection and consideration of evidence). And while the plaintiff in *TCNJ* alleged that the school “failed to

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consider” the timing of and motives for the nonconsensual sex claim, 2023 WL 2812362 at *6, the same cannot be said for Princeton. The Panel considered Plaintiff’s assertion that Roe brought her claim because he was dating her friend, but ultimately credited Roe’s explanation that she complained after being told by friends about “uncomfortable” interactions with Doe because she “did not want this to happen to anyone else.” Suppl. Mem. at 5.

Second, as required in this Circuit, the *TCNJ* court considered general allegations of pressure on the school in combination with allegations of specific resulting procedural flaws. *See* 2023 WL 2812362 at *6; *Doe v. Univ. of the Scis.*, 961 F.3d 203, 210 (3d Cir. 2020) (“[A]llegations about pressure from DoEd and the 2011 Dear Colleague Letter cannot alone support a plausible claim of Title IX sex discrimination.”). The *TCNJ* plaintiff alleged “a pattern of unfair investigations and adjudications resulting in serious sanctions being imposed on male students, while not making comparable efforts with respect to allegations of sexual violence . . . against non-male students.” 2023 WL 2812362 at *6. He also alleged that *TCNJ*’s President, who oversaw the Title IX Office and all disciplinary proceedings, “ha[d] come under fire multiple times for her failure to sufficiently respond to allegations of sexual misconduct made against males,” including by intervening to overturn sanctions decisions. 2023 WL 2812362 at *4, *6. Plaintiff here does not allege a similar history of unfair actions against males at Princeton, or specific biased actions by Princeton personnel. He makes only conclusory assertions that Princeton was under pressure to “appear tough at all costs on claims of sexual assault.” Compl. ¶ 64.

Third and finally, the *TCNJ* court’s refusal to consider alternative explanations for the school’s actions at the motion to dismiss stage does not change the result here. 2023 WL 2812362 at *7. The question before this Court is whether Doe has plead facts sufficient to support a plausible inference of gender bias in Princeton’s disciplinary proceeding. He has not. *TCNJ* thus does not support Doe’s arguments in opposition to the pending Motion to Dismiss.

Respectfully submitted,

/s/ Linda Wong
Linda Wong

LW/ss

cc: All Parties of Record via ECF